REMARKS

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 4 and 17 have been canceled without prejudice or disclaimer of the subject matter contained therein. Thus, claims 1, 3, 5, 8, 10, 11, 14, and 18 are pending in the present application, of which claims 1, 8, 10, and 11 are independent.

Noted - priority Document Received By USPTO

The indication (see Office Action Summary) that the certified copy(ies) of the priority document(s) has been received by the USPTO is noted with appreciation.

Noted - IDS Considered

The indication (see the attachment to the Office Action mailed November 9, 2007) that the Information Disclosure Statement (IDS) as filed on March 12, 2004 (although the IDS Mail Date indicated in the Office Action Summary is actually February 26, 2004) and references listed therein have been considered is noted with appreciation.

Official Consideration of IDS Requested

On April 13, 2009, another Information Disclosure Statement ("IDS"), including one or more forms PTO-1449, PTO/SB/08a and/or PTO/SB/08b, was submitted in the present application. Accordingly, official consideration of the IDS is hereby respectfully requested.

Noted - Drawings Approved

The indication (see each Office Action Summary of the Office Actions mailed November 9, 2007 and July 15, 2008, box 10(a) as checked) that the Drawings (submitted on February 26, 2004 and March 31, 2008, although the latter submission date is indicated as February 6, 2004 in the Office Action mailed July 15, 2008) have been approved is noted with appreciation.

Claim Objection

Claims 1, 8, 10, and 11 are objected to because the previously amended claim language includes the phrase "so that" which is alleged to render the limitation following it a statement of the invention's purpose, rather than claiming the invention itself. By the foregoing amendments, these claims have been amended to address the objection to the claims. Accordingly, withdrawal of the objection to the claims is respectfully requested.

Claim Rejection Under 35 U.S.C. §103

Claims 1, 3-5, 8, 10, 11, 14, 17, and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over US 6,611,923 B1 (Mutalik et al.) in view of US 6,785, 786 B1 (Gold et al.) and US 6,398,105 B2 (Ramberg et al.).

INDEPENDENT CLAIM 1

As an example, independent claim 1, as amended, recites (among other things) a feature(s) of "when the data restoring unit receives an initial state restore request from the user to restore data of an initial state of the data backup device, the data restoring unit <u>requests the server to transmit a difference between the backup data and an initial state master data both stored in the server</u>, and <u>receives the difference from the server to restore the difference</u> to the storage unit (***bold*** emphasis added)", which was previously recited in dependent claim 4 currently canceled and has been incorporated into independent claim 1 by the current amendment. As will be explained below, at least this feature(s) of claim 1 is a distinction over each of Mutalik et al., Gold et al., and Ramberg et al., and thus over their combination.

Regarding Gold et al., this feature(s), with reference to claim 4 (currently canceled), is alleged to be disclosed by Gold et al. at column 8, lines 21, 54-57 and 59-64 (see pages 7-8 of the Office Action).

Gold et al. teach at column 8, lines 13-14 that "[A]ll <u>the differences in all the changed files since the last backup</u> are stored in backup directory files (BDFs) (<u>underlined</u> emphasis added)". Gold et al. further teach at column 8, lines 54 to 64:

> Since the DTF generated for every delta backup is a (virtual) complete list of all files, the user can change the restore view to an earlier backup and <u>restore an older copy of a file.</u> By default, the initial restore tree is from the latest backup.
>
> When a user selects to restore a specific file from a specific backup, the DTFs are used to <u>identify which portions of which BDF contain the file data. This data is then copied from the backup apparatus 240 to the backup agent 215a</u>, decompressed, and written to the specified location in the client storage (<u>underlined</u> emphasis added).

Hence, the noted feature(s) of claim 1, namely "when the data restoring unit receives an initial state restore request from the user to restore data of an initial state of the data backup device, the data restoring unit <u>requests the server to transmit a difference between the backup data and an initial state master data both stored in the server, and receives the difference from the server to restore the difference</u> to the storage unit (<u>underlined</u> emphasis added)", is a distinction over Gold et al. The noted feature(s) also is a distinction over Mutalik et al. and Ramberg et al. as evidenced, e.g., by the Office Action. That is, the Office Action does not assert Mutalik et al. and Ramberg et al. as disclosing the noted feature(s).

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 1 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 1. Claims 3 and 5 ultimately depend from claim 1, respectively, and so at least similarly distinguish over the asserted combination of references.

In view of the foregoing discussion, the rejection of claims 1, 3, and 5 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

INDEPENDENT CLAIM 8

As an example, independent claim 8, as amended, recites (among other things) a feature(s) of "when an initial state restore request is received from the user to restore data of an initial state of the client, <u>requesting the server to transmit a difference between the backup data and an initial state master data both stored in the server, and receiving the difference from the server to restore the difference</u> to the client (<u>underlined</u> emphasis added)", the corresponding feature(s) of which was previously recited in dependent claim 4 currently canceled and has been incorporated into independent claim 8 by the current amendment. As explained above, at least this feature(s) of claim 8 is a distinction over each of Mutalik et al., Gold et al., and Ramberg et al., and thus over their combination.

In view of the distinction of claim 8 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 8.

In view of the foregoing discussion, the rejection of claim 8 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

INDEPENDENT CLAIM 10

As an example, independent claim 10, as amended, recites (among other things) a feature(s) of "when an initial state restore request is received from the user to restore data of an initial state of the client, <u>requesting the server to transmit a difference between the backup data and an initial state master data both stored in the server, and receiving the difference from the server to restore the difference</u> to the client (<u>underlined</u> emphasis added)", the corresponding feature(s) of which was previously recited in dependent claim 4 currently canceled and has been incorporated into independent claim 10 by the current amendment. As explained above, at least this feature(s) of claim 10 is a distinction over each of Mutalik et al., Gold et al., and Ramberg et al., and thus over their combination.

In view of the distinction of claim 10 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 10.

In view of the foregoing discussion, the rejection of claim 10 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

INDEPENDENT CLAIM 11

As an example, independent claim 11, as amended, recites (among other things) a feature(s) of "an initial state storage unit that stores initial state master data of the client, wherein when the data restoring unit in the client receives an initial state restore request from the user to restore data of an initial state of the client, the data restoring unit <u>requests the server to transmit a difference between the backup data and the initial state master data, and receives the difference from the server to restore the difference</u> to the client (<u>underlined</u> emphasis added)", which was previously recited in dependent claim 17 currently canceled and has been incorporated into independent claim 11 by the current amendment. As will be explained below, at least this feature(s) of claim 11 is a distinction over each of Mutalik et al., Gold et al., and Ramberg et al., and thus over their combination.

Regarding Gold et al., this feature(s), with reference to claim 17 (currently canceled), is alleged to be disclosed by Gold et al. at column 8, lines 54-64 (see pages 9-10 of the Office Action).

As explained above, Gold et al. teach at column 8, lines 13-14 that "[A]ll <u>the differences in all the changed files since the last backup</u> are stored in backup directory files (BDFs) (<u>underlined</u> emphasis added)". Gold et al. further teach at column 8, lines 54 to 64:

> Since the DTF generated for every delta backup is a (virtual) complete list of all files, the user can change the restore view to an earlier backup and <u>restore an older copy of a file</u>. By default, the initial restore tree is from the latest backup.
> When a user selects to restore a specific file from a specific backup, the DTFs are used to <u>identify which portions of which BDF contain the file data. This data is then copied from the backup apparatus 240 to the backup agent 215a</u>, decompressed, and written to the specified location in the client storage (<u>underlined</u> emphasis added).

Hence, the noted feature(s) of claim 11, namely "an initial state storage unit that stores initial state master data of the client, wherein when the data restoring unit in the client receives an initial state restore request from the user to restore data of an initial state of the client, the data restoring unit <u>requests the server to transmit a difference between the backup data and the initial state master data</u>, and <u>receives the difference from the server to restore the difference</u> to the client (<u>underlined</u> emphasis added)", is a distinction over Gold et al. The noted feature(s) also is a distinction over Mutalik et al. and Ramberg et al. as evidenced, e.g., by the Office Action. That is, the Office Action does not assert Mutalik et al. and Ramberg et al. as disclosing the noted feature(s).

In view of the distinction of claim 11 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 11. Claims 14 and 18 ultimately depend from claim 11, respectively, and so at least similarly distinguish over the asserted combination of references.

In view of the foregoing discussion, the rejection of claims 11, 14, and 18 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-4610.

Respectfully submitted,

Dated: June 4, 2009

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